

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**U.S. Bank Trust N.A., as Trustee for
LSF8 Master Participation Trust**

Plaintiff,

vs.

**Daniel J. Pelletier and Lori A.
Pelletier**

Defendants,

Maine Revenue Services

Party-In-Interest.

**CIVIL ACTION NO: 2:19-cv-00150-
JAW**

JUDGMENT OF FORECLOSURE AND SALE

**Address: 688 Empire Road, East Poland, ME 04230
Mortgage: October 26, 2005, Book: 6557, Page: 192**

This matter came before the Court pursuant to the Default entered on March 17, 2020 against each of the named Defendants [ECF 45], pursuant to the Default entered on March 25, 2020, [ECF 49], Fed. R. Civ. P. 55(b), this Court's Procedural Order dated March 23, 2021 [ECF 82], and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine*. (March 2020).

Plaintiff, U.S. Bank Trust N.A., as Trustee for LSF8 Master Participation Trust (“U.S. Bank”), was represented by John A. Doonan, Esq. On April 5, 2021, U.S. Bank filed its Motion to Proceed with Default Judgment of Foreclosure on Paper

Record. [ECF 83]. On May 24, 2021, Daniel J. Pelletier and Lori A. Pelletier (the Pelletiers) filed a motion to extend time to file responses to U.S. Bank's motion to proceed with default judgment. [ECF 88]. On May 28, 2021, the Court granted the Pelletiers' motion to extend time. [ECF 89]. As the Pelletiers had not asked for a specific amount of time within which to respond, the Court granted them until June 21, 2021 to file their response. However, neither the Pelletiers nor the other parties, including Maine Revenue Service and Central Maine Federal Credit Union, appeared or opposed Plaintiff's Motion for Default Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and after consideration of the Affidavits with supporting documentary evidence and Memorandum of Law in Support of Plaintiff's Motion for Default Judgment on Documentary Evidence, the Court **GRANTS** the Plaintiff's Motion for Default Judgment of Foreclosure and Sale. At the request of U.S. Bank, the Court **DISMISSES** without prejudice Count II – Breach of Loan Repayment and Security Agreement, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment.

JUDGMENT on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust N.A., as Trustee for LSF8 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing as of April 24, 2021 (attorney's fees and deficiency are waived) (\$557,349.55) within 90 days of the date of the Judgment, as

that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of April 24, 2021:

Description	Amount
Principal Balance	\$280,657.96
Interest	\$225,041.49
Escrow/Impound Required	\$51,650.10
Grand Total	\$557,349.55

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$557,349.55) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the East Poland Property shall terminate, and U.S. Bank shall conduct a public sale of the East Poland Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds, first to itself in the amount of \$557,349.55 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency in its Motion.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal

4. The amount due and owing is \$557,349.55 as of April 24, 2021.
5. The priority of interests is as follows:
 - U.S. Bank Trust N.A., as Trustee for LSF8 Master Participation Trust has first priority, in the amount of \$557,349.55, pursuant to the subject Note and Mortgage.
 - Maine Revenue Services who has been defaulted.
 - Daniel J. Pelletier and Lori A. Pelletier who have been defaulted.
6. The pre-judgment interest rate is 9.49 %, see 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, see 14 M.R.S.A. § 1602-C.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust N.A., as Trustee for LSF8 Master Participation Trust 425 Walnut Street Cincinnati, OH 45205	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Daniel J. Pelletier P.O. Box 15 East Poland, ME 04230 Lori A. Pelletier P.O. Box 15 East Poland, ME 04230	Defaulted Pro Se Defaulted Pro Se
PARTIES-IN- INTEREST		

Maine Revenue Services Defaulted
c/o Kevin J. Crosman, Esq.,
Assistant Attorney General
6 State House Station
Augusta, ME 04333

- a) The docket number of this case is 2:19-cv-00150-JAW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 688 Empire Road, East Poland, ME 04230 is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 688 Empire Road, East Poland, ME 04230. The Mortgage was executed by the Defendants, Daniel J. Pelletier, on October 26, 2005. The book and page number of the Mortgage in the Androscoggin County Registry of Deeds is **Book 6557, Page 192**.
- e) This Judgment shall not create any personal liability on the part of the Defendants but shall act solely as an *in rem* judgment against the property, 688 Empire Road, East Poland, ME 04230.

SO ORDERED.

DATED THIS 30th DAY OF JUNE, 2021

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE